

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JESUS P. LOVATO,**

**Plaintiff,**

**v.**

**No. 17-cv-0544 RB/SMV**

**SAN JUAN COUNTY ADULT DETENTION  
CENTER, BOARD OF COUNTY COMMISSIONERS  
FOR SAN JUAN COUNTY, and GINGER WHEELER,**

**Defendants.<sup>1</sup>**

**ORDER FOR PERSONAL SERVICE OF PROCESS**

THIS MATTER is before the Court sua sponte pursuant to 28 U.S.C. § 1915(d) and Rule 4(c), (d) of the Federal Rules of Civil Procedure. On February 28, 2018, the Court directed the Clerk of Court to send notice and waiver of service forms, along with a copy of the Court's order, the amended complaint [Doc. 11], and the Court's January 17, 2018 Memorandum Opinion and Order [Doc. 13], to Defendant Wheeler at the San Juan Regional Medical Center, 801 Maple, Farmington, NM 87401. [Doc. 18]. Defendant Wheeler has not returned the waiver of service forms, filed a notice of appearance, or otherwise responded to the amended complaint. Because Defendant Wheeler has not waived service of process, personal service of the summons and amended complaint [Doc. 11] is required in this case. *See* Fed. R. Civ. P. 4(c)(3), (d)(2). Under Rule 4(d)(2), the Court must impose costs of service on a Defendant who, without good cause, does not comply with a request to waive service.

**IT IS THEREFORE ORDERED** that the Clerk issue summons for Defendant Wheeler

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<sup>1</sup> Defendants San Juan County Adult Detention Center and Board of County Commissioners for San Juan County have been dismissed. [Doc. 13]. Defendant Wheeler is the sole remaining Defendant.

and the U.S. Marshal personally serve the summons on Defendant Wheeler, along with a copy of the amended complaint [Doc. 11], the Court's January 17, 2018 Memorandum Opinion and Order [Doc. 13], and this Order, as directed by the Clerk. The service of the summons and amended complaint shall be at no cost to Plaintiff.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Vidmar', is positioned above a horizontal line.

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**